



General Assembly

January Session, 2009

**Amendment**

LCO No. 7138

**\*HB0643507138HDO\***

Offered by:

REP. SPALLONE, 36<sup>th</sup> Dist.  
REP. ARESIMOWICZ, 30<sup>th</sup> Dist.  
REP. FLEISCHMANN, 18<sup>th</sup> Dist.  
REP. O'BRIEN, 24<sup>th</sup> Dist.  
REP. DREW, 132<sup>nd</sup> Dist.  
REP. REEVES, 143<sup>rd</sup> Dist.  
REP. GROGINS, 129<sup>th</sup> Dist.

REP. CARUSO, 126<sup>th</sup> Dist.  
REP. O'ROURKE, 32<sup>nd</sup> Dist.  
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REP. REED, 102<sup>nd</sup> Dist.

To: Subst. House Bill No. **6435**

File No. 553

Cal. No. 373

**"AN ACT CONCERNING ELECTION DAY REGISTRATION AND  
PRESIDENTIAL BALLOT PROCEDURES."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this  
4 section, "election day" means the day on which a regular election, as  
5 defined in section 9-1 of the general statutes or primary is held.

6 (b) Notwithstanding the provisions of chapter 143 of the general  
7 statutes, a person who (1) is not an elector, and (2) meets the eligibility  
8 requirements under subsection (a) of section 9-12 of the general  
9 statutes, may apply for admission as an elector on election day.

10 (c) (1) The registrars of voters shall have the authority to designate a  
11 location for the completion and processing of election day registration  
12 applications on election day, provided such location shall enable the  
13 registrars of voters to access the state-wide centralized voter  
14 registration system. Such registrars of voters may appoint one or more  
15 election officials to serve at such location and may delegate to such  
16 election officials any of the responsibilities assigned to the registrars of  
17 voters. The registrars of voters shall train and supervise such election  
18 day registration election officials. Any such location designated by the  
19 registrars of voters shall comply with section 9-168d of the general  
20 statutes and shall provide the same opportunity for access and  
21 participation, including privacy and independence, for all voters.

22 (2) No person shall solicit in behalf of or in opposition to the  
23 candidacy of another or himself or in behalf of or in opposition to any  
24 question being submitted at the election or primary, or loiter or peddle  
25 or offer any advertising matter, ballot or circular to another person  
26 within a radius of seventy-five feet of any outside entrance in use as an  
27 entry to the registrars of voters designated location for election day  
28 registration balloting or in any corridor, passageway or other approach  
29 leading from any such outside entrance to such registrars of voters  
30 designated location or in any room opening upon any such corridor,  
31 passageway or approach.

32 (d) Any such application shall be made in accordance with the  
33 provisions of section 9-20 of the general statutes, provided (1) on  
34 election day, the applicant shall appear in person at the location  
35 designated by the registrars of voters for election day registration, (2)  
36 an applicant who is a student enrolled at an institution of higher  
37 education may submit a current photo identification card issued by  
38 said institution in lieu of the identification required by section 9-20 of  
39 the general statutes, and (3) the applicant shall declare under oath that  
40 the applicant has not previously voted in the election or primary, as  
41 applicable. If the information that the applicant is required to provide  
42 under section 9-20 of the general statutes and this section does not  
43 include proof of the applicant's residential address, the applicant shall

44 also submit identification that shows the applicant's bona fide  
45 residence address, including, but not limited to, a United States  
46 passport, a learner's permit or a utility bill that has the applicant's  
47 name and current address and is due not later than thirty days after  
48 the election or primary, as applicable or, in the case of a student  
49 enrolled at an institution of higher education, a registration or fee  
50 statement from such institution that has the applicant's name and  
51 current address. The registrars of voters shall check the state-wide  
52 centralized voter registration system before admitting an applicant as  
53 an elector. If the registrars of voters determine that an applicant is  
54 qualified to register as an elector, the registrars of voters shall admit  
55 the applicant as an elector and privileges shall attach immediately.

56 (e) Notwithstanding the provisions of section 9-21 of the general  
57 statutes, in the event such applicant is an elector in another  
58 municipality and such applicant states that he or she wants to change  
59 the municipality in which the applicant is an elector, the registrars of  
60 voters of the municipality in which such elector now seeks to register  
61 shall immediately notify the registrars of voters in such other  
62 municipality that such elector is changing the municipality in which  
63 the applicant is an elector. The registrars of voters in such other  
64 municipality shall immediately notify the election officials in such  
65 other municipality to remove such elector from the official voter list of  
66 such other municipality. Such election officials shall cross through the  
67 elector's name on such official voter list and mark "off" next to such  
68 elector's name on such official voter list. If it is reported that such  
69 applicant already voted in such other municipality, the registrars of  
70 voters of such other municipality shall immediately notify the  
71 registrars of voters of the municipality in which such elector now seeks  
72 to register. In such event, such elector shall not receive an election day  
73 registration ballot from the registrars of voters of the municipality in  
74 which such elector now seeks to register. For any such elector, the  
75 election day registration process shall cease in the municipality in  
76 which such elector now seeks to register and such matter shall be  
77 reviewed by the registrars of voters in the municipality in which such

78 elector now seeks to register. After completion of such review, if a  
79 resolution of the matter can not be made, such matter shall be reported  
80 to the State Elections Enforcement Commission which shall conduct an  
81 investigation of the matter.

82 (f) If the applicant is admitted as an elector, the registrars of voters  
83 shall provide the elector with an election day registration ballot and  
84 security envelope, subject to the provisions of section 9-59, of the  
85 general statutes and shall make a record of such issuance. The elector  
86 shall complete an affirmation imprinted upon the back of the envelope  
87 for an election day registration ballot and shall declare under oath that  
88 the applicant has not previously voted in the election or primary, as  
89 applicable. The affirmation shall be in the form substantially as follows  
90 and signed by the voter:

91 AFFIRMATION: I, the undersigned, do hereby state, under penalty  
92 of false statement, (perjury) that:

93 1. I am the person admitted here as an elector in the town indicated.

94 2. I am eligible to vote in the election or primary indicated for today  
95 in the town indicated.

96 3. The information on my voter registration card is correct and  
97 complete.

98 4. I reside at the address that I have given to the registrars of voters.

99 5. If previously registered at another location, I have provided such  
100 address to the registrars of voters and hereby request cancellation of  
101 such prior registration.

102 6. I have not voted in person or by absentee ballot and I will not  
103 vote otherwise than by this ballot at this election or primary.

104 7. I completed an application for an election day registration ballot  
105 and received an election day registration ballot.

106 .... (Signature of voter)

107 (g) The elector shall forthwith mark the election day registration  
108 ballot in the presence of the registrars of voters in such a manner that  
109 the registrars of voters shall not know how the election day  
110 registration ballot is marked. The elector shall place the election day  
111 registration ballot in the election day registration ballot envelope  
112 provided, and deposit such envelope in a secured election day  
113 registration ballot depository receptacle. The registrars of voters shall  
114 transport such receptacle to the area where such election day  
115 registration ballots shall be counted. At the time designated by the  
116 registrars of voters and noticed to election officials, the election day  
117 registration ballots issued pursuant to this section shall be delivered to  
118 the area, either district or central, where absentee ballots are counted  
119 and such election day registration ballots shall be counted by the  
120 election officials present at such location. A section of the head  
121 moderators return shall show the number of election day registration  
122 ballots received from electors. The registrars of voters shall seal a copy  
123 of the votes cast on election day registration ballots in the depository  
124 envelope with the election day registration ballots and store such  
125 election day registration envelope with the other election results  
126 materials. The election day registration depository envelope shall be  
127 preserved by the registrars of voters for the period of time required to  
128 preserve counted ballots for elections.

129 (h) The provisions of the general statutes and regulations  
130 concerning procedures relating to the custody, control and counting of  
131 absentee ballots shall apply as nearly as possible, to the custody,  
132 control and counting of election day registration ballots under this  
133 section.

134 (i) After the acceptance of an election day registration, the registrars  
135 of voters shall forthwith send a registration confirmation notice to the  
136 residential address of each applicant who is admitted as an elector on  
137 election day under this section. Such confirmation shall be sent by first  
138 class mail with instructions on the envelope that it be returned if not

139 deliverable at the address shown on the envelope. Notwithstanding  
140 the May first deadline contained in section 9-35 of the general statutes,  
141 if a confirmation notice is returned undelivered, the registrars of voters  
142 shall investigate and shall take the necessary action in accordance with  
143 sections 9-35 or 9-43 of the general statutes, as applicable.

144 Sec. 2. Section 9-158a of the general statutes is repealed and the  
145 following is substituted in lieu thereof (*Effective October 1, 2009*):

146 As used in sections 9-139c, 9-140b, 9-158a to 9-158m, inclusive, as  
147 amended by this act, and 9-307:

148 (1) "Federal election" means any general or special election or any  
149 primary held solely or in part for the purpose of selecting, nominating  
150 or electing any candidate for the office of President, Vice President,  
151 presidential elector, member of the United States Senate or member of  
152 the United States House of Representatives;

153 (2) "Former resident" means a person who was a bona fide resident  
154 of a town in this state and who has [removed] moved from that town  
155 to another state less than thirty days before the day of a presidential  
156 election and who for that reason is unable to register to vote in the  
157 election in [his] such person's present town or state of residence;

158 (3) "Overseas elector" means any person permitted to vote pursuant  
159 to subsection (b) of section 9-158b;

160 (4) "Presidential election" means an election at which electors of  
161 President and Vice-President are elected;

162 (5) "Resident" means a bona fide resident of a town in this state;

163 (6) "State" includes any of the several states, the District of  
164 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin  
165 Islands; and

166 (7) "United States" includes the several states, the District of  
167 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin

168 Islands, but does not include American Samoa, The Canal Zone, the  
169 trust territory of the Pacific Islands or any other territory or possession  
170 of the United States.

171 Sec. 3. Subsection (a) of section 9-158b of the general statutes is  
172 repealed and the following is substituted in lieu thereof (*Effective*  
173 *October 1, 2009*):

174 (a) Each citizen of the United States who is at least eighteen years of  
175 age, is a [resident or] former resident and [who] has not forfeited [his]  
176 such citizen's electoral privileges because of a disfranchising crime,  
177 may vote for presidential and vice-presidential electors, but for no  
178 other offices, in the town in this state in which [he resides, or] such  
179 citizen formerly resided in the manner provided in sections 9-158c to 9-  
180 158m, inclusive, as amended by this act.

181 Sec. 4. Subsections (a) and (b) of section 9-158c of the general  
182 statutes are repealed and the following is substituted in lieu thereof  
183 (*Effective October 1, 2009*):

184 (a) [(1)] Not earlier than forty-five days before the election and not  
185 later than the close of the polls on election day, each [resident, or]  
186 former resident who desires to vote in a presidential election under  
187 sections 9-158a to 9-158m, inclusive, as amended by this act, may apply  
188 for a "presidential ballot" to the [municipal clerk] registrars of voters of  
189 the town in which [he] such former resident is qualified to vote on the  
190 form prescribed in section 9-158d, as amended by this act. Application  
191 for a "presidential ballot" may be made in person or absentee, in the  
192 manner provided for applying for an absentee ballot under section 9-  
193 140, except as provided in said sections 9-158a to 9-158m, inclusive, as  
194 amended by this act.

195 [(2)] A municipal clerk shall have the authority to designate a  
196 location in a municipal facility for the distribution, completion and  
197 processing of presidential ballot applications and the distribution,  
198 casting and return of presidential ballots under sections 9-158a to 9-  
199 158m, inclusive, on election day. Such municipal clerk may appoint

200 one or more presidential ballot assistants to serve at such location, may  
201 delegate to such assistants any of the responsibilities assigned to  
202 municipal clerks under said sections, and shall train and supervise  
203 such presidential ballot assistants.]

204 (b) Each overseas elector who desires to vote in a federal election  
205 under subsection (b) of section 9-158b may apply for an overseas ballot  
206 not earlier than (1) the forty-fifth day preceding a federal election  
207 which is a general election or a general election held in conjunction  
208 with a special election, and (2) the thirtieth day preceding a federal  
209 election which is a primary or a federal election which is a special  
210 election not held in conjunction with a general election. Application  
211 shall be made to the town clerk of the municipality in which [he] the  
212 elector is so qualified to vote on a form prescribed in subsection (b) of  
213 section 9-158d.

214 Sec. 5. Subsection (a) of section 9-158d of the general statutes is  
215 repealed and the following is substituted in lieu thereof (*Effective from*  
216 *passage*):

217 (a) The application for a presidential ballot shall be a form signed in  
218 duplicate by the applicant under penalty of false statement in absentee  
219 balloting, which shall provide substantially as follows:

220 To the [Town Clerk] Registrars of Voters of the Town of ...,  
221 Connecticut

222 I, the undersigned, declare under penalty of false statement in  
223 absentee balloting that the following statements are true:

224 1. I am a citizen of the United States.

225 2. I have not forfeited my electoral privileges because of conviction  
226 of a disfranchising crime.

227 3. I was born on ..., and on the day of the next presidential election,  
228 I shall be at least 18 years of age. [Check and complete 4 or 5,  
229 whichever applies:]



230 [4. RESIDENT. I am a bona fide resident of the above town, to  
231 which I am making this application, and I reside at .... Street. I moved  
232 to said town on the .... day of ...., 20... Before becoming a resident of  
233 said town, I resided at .... Street, in the Town of .... County of ...., State  
234 of ....]

235 [5. FORMER RESIDENT.] 4. I am a former resident of the above  
236 town, to which I am making this application, and resided at .... Street  
237 therein. I moved from such town to my present town and state of  
238 residence on the .... day of ...., 20.., being within thirty days before the  
239 date of the next presidential election, and for that reason I cannot  
240 register to vote in said presidential election in my present town and  
241 state of residence. I am now a bona fide resident of the Town of ...., in  
242 the state of ...., now residing at .... Street therein.

243 [6.] 5. I hereby apply for a "presidential ballot" for the election to be  
244 held on ...., 20... I have not voted and will not vote otherwise than by  
245 this ballot at that election. I am not eligible to vote for electors of  
246 President and Vice-President [in any other town in Connecticut or] in  
247 any other state.

248 [7.] 6. The said ballot is to be given to me personally mailed to me at  
249 .... (bona fide mailing address)

250 Dated at ...., this .... day of .... 20...

251 .... (Signature of applicant)

252 Sec. 6. Subsection (a) of section 9-158e of the general statutes is  
253 repealed and the following is substituted in lieu thereof (*Effective from*  
254 *passage*):

255 (a) A person applying for a presidential ballot in person shall  
256 present: (1) A current and valid photo identification, or (2) a copy of a  
257 current utility bill, bank statement, government check, paycheck or  
258 other government document that shows the name and address of the

259 voter. The application for a presidential ballot by mail shall be  
260 accompanied by: (A) A copy of a current and valid photo  
261 identification, or (B) a copy of a current utility bill, bank statement,  
262 government check, paycheck or government document that shows the  
263 name and address of the voter. Upon receipt of an application for a  
264 presidential ballot under sections 9-158a to 9-158m, inclusive, as  
265 amended by this act, the [clerk] registrars of voters, if satisfied that the  
266 application is proper and that the applicant is qualified to vote under  
267 said sections, shall forthwith give or mail to the applicant, as the case  
268 may be, a ballot for presidential and vice-presidential electors for use  
269 at the election and instructions and envelopes for its return. [At such  
270 time the clerks shall also mail a duplicate of the application to the  
271 appropriate official of (i) the state or the town in this state in which the  
272 applicant last resided in the case of an applicant who is a resident, or  
273 (ii) the state or the town in this state in which the applicant now  
274 resides in the case of an applicant who is a former resident.]

275 Sec. 7. Section 9-158f of the general statutes is repealed and the  
276 following is substituted in lieu thereof (*Effective October 1, 2009*):

277 (a) The voter, after marking his or her presidential ballot so as to  
278 express his or her choice, shall fold it so as to conceal the markings,  
279 and enclose it in an inner envelope furnished by the [town clerk]  
280 registrars of voters for such purpose. The envelope shall have  
281 imprinted upon its back a statement which shall be signed by the  
282 voter. The failure of the voter to date the statement shall not invalidate  
283 the ballot. Such statement shall be substantially as follows:

284 Certification of Presidential Voter

285 I, the undersigned, do hereby state under the penalties of false  
286 statement in absentee balloting that:

287 (1) I am qualified to vote for Presidential and Vice-Presidential  
288 electors in the town of .... Connecticut, at the presidential election to be  
289 held on November ....., 20...

290 (2) I have not applied, nor do I intend to apply, for a ballot to vote  
291 for Presidential and Vice-Presidential electors at said election from any  
292 other town, city, county or state, and

293 (3) I have not voted, and I will not vote otherwise than by this ballot  
294 in said presidential election.

295 Dated at ..., this ... day of ... 20...

296 .... (Signature of voter)

297 (b) The overseas elector, after marking his or her overseas ballot so  
298 as to express his or her choice, shall fold it so as to conceal the  
299 markings and enclose it in an inner envelope furnished by the town  
300 clerk for such purpose. The envelope shall have imprinted upon its  
301 back a statement which shall be signed by the elector. The failure of the  
302 elector to date the statement shall not invalidate the ballot. The  
303 statement shall be substantially as follows:

304 Certification of Overseas Elector

305 I, the undersigned, do hereby state under the penalties of false  
306 statement in absentee balloting that:

307 (1) I am qualified to vote for candidates for federal office in the town  
308 of ..., Connecticut, at the federal election to be held on ..., 20...

309 (2) I have not applied, nor do I intend to apply, for a ballot to vote  
310 for candidates for federal office at said election from any other town,  
311 city or county in Connecticut or in any other state or election district of  
312 any state or territory or any territory or possession of the United States.

313 (3) I have not voted, and I will not vote otherwise than by this ballot  
314 in said federal election.

315 Dated at ..., this ... day of ..., 20...

316 .... (Signature of overseas elector)

317 Sec. 8. Section 9-158g of the general statutes is repealed and the  
318 following is substituted in lieu thereof (*Effective October 1, 2009*):

319 The voter shall sign the certification upon the inner envelope,  
320 securely seal it, enclose it in an outer serially-numbered envelope, and  
321 return it to the [municipal clerk] registrars of voters of the town in  
322 which [he] the voter is qualified to vote. [The clerk shall keep it in his  
323 office until delivered by him to the registrars of voters at the same time  
324 and in the same manner as is provided for absentee ballots.] If the  
325 ballot is returned by a person other than the voter or the United States  
326 Postal Service, the person delivering the ballot shall sign his or her  
327 name and address and the date and time of its delivery on the outer  
328 envelope in the [clerk's] registrars of voters' presence. The ballot, to be  
329 cast, shall be returned so that it is received by the [town clerk]  
330 registrars of voters not later than the close of the polls on the day of the  
331 election or primary.

332 Sec. 9. Section 9-158h of the general statutes is repealed and the  
333 following is substituted in lieu thereof (*Effective October 1, 2009*):

334 The [clerk] registrars of voters shall prepare and keep open to public  
335 inspection a list of all persons who have applied under sections 9-158a  
336 to 9-158m, inclusive, to vote as presidential voters or overseas electors  
337 with their names, voting addresses and application dates together with  
338 the serial number of the return envelopes issued, and shall maintain an  
339 alphabetical index of the list for a period of one hundred eighty days  
340 after the election or primary. The town clerk shall provide any  
341 information concerning overseas electors that the registrars of voters  
342 require to prepare such list.

343 Sec. 10. Section 9-158i of the general statutes is repealed and the  
344 following is substituted in lieu thereof (*Effective October 1, 2009*):

345 The Secretary of the State shall prepare, print and distribute to the  
346 town clerk and registrars of voters, as appropriate, in each town in this  
347 state, a sufficient number of ballots and other necessary forms to be  
348 used by the persons eligible to vote for the offices of presidential

349 electors or federal offices under the provisions of sections 9-158a to 9-  
350 158m, inclusive. The words "Presidential Ballot" or "Overseas Ballot"  
351 shall appear on each such ballot and no such ballot shall afford any  
352 opportunity to vote for any office or officer except presidential electors  
353 or federal offices. The Secretary of the State may make any changes in  
354 any forms prescribed by, or provided for, in said sections which, in the  
355 opinion of the secretary, are necessary to cause said forms to conform  
356 to the provisions of applicable federal law.

357 Sec. 11. Section 9-158j of the general statutes is repealed and the  
358 following is substituted in lieu thereof (*Effective October 1, 2009*):

359 [Upon receipt of an application for a "Presidential Ballot" or  
360 "Overseas Ballot" the town clerk shall forthwith notify the registrars of  
361 voters of the applicant's name, with a notation designating him as a  
362 person voting for presidential and vice-presidential electors or federal  
363 offices only. If the name of a presidential voter who is a former  
364 resident appears on the registry list, the registrars shall insert the  
365 letters "pf" in the margin preceding his name. The registrars shall  
366 prepare a list of names and addresses of presidential voters and  
367 overseas electors whose names do not appear on the registry list, for  
368 each voting district, which list shall accompany the check list to be  
369 used at such election in such district. The registrars shall insert the  
370 letters "pf" in the margin of such list of presidential voters preceding  
371 the name of each applicant who is a former resident.]

372 (a) Upon receipt of a "Presidential Ballot", the registrars of voters  
373 shall insert the letters "pf" in the margin of the registry list preceding  
374 the elector's name and address.

375 (b) Upon receipt of an "Overseas Ballot", the town clerk shall  
376 compile a list of those electors whose names do not appear on the  
377 registry list for each voting district. Such list shall accompany the  
378 official check list to be used at such election or primary where such  
379 ballots shall be counted in the district or central counting.

380 Sec. 12. Section 9-158l of the general statutes is repealed and the

381 following is substituted in lieu thereof (*Effective October 1, 2009*):

382 Any person wilfully making a false statement on any statement  
 383 required by sections 9-158a to 9-158m, inclusive, to be made in the  
 384 form of an affidavit or a statement under penalties of false statement in  
 385 absentee balloting, shall be subject to the penalties imposed by law for  
 386 such statements. If any public official wilfully refuses or neglects to  
 387 perform any of the duties prescribed by sections [9-140b, 9-140c and] 9-  
 388 158a to 9-158m, inclusive, or violates any of the provisions of said  
 389 sections, [he] such official shall be subject to the penalties imposed by  
 390 law.

391 Sec. 13. Section 9-158k of the general statutes is repealed. (*Effective*  
 392 *October 1, 2009*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	9-158a
Sec. 3	<i>October 1, 2009</i>	9-158b(a)
Sec. 4	<i>October 1, 2009</i>	9-158c(a) and (b)
Sec. 5	<i>from passage</i>	9-158d(a)
Sec. 6	<i>from passage</i>	9-158e(a)
Sec. 7	<i>October 1, 2009</i>	9-158f
Sec. 8	<i>October 1, 2009</i>	9-158g
Sec. 9	<i>October 1, 2009</i>	9-158h
Sec. 10	<i>October 1, 2009</i>	9-158i
Sec. 11	<i>October 1, 2009</i>	9-158j
Sec. 12	<i>October 1, 2009</i>	9-158l
Sec. 13	<i>October 1, 2009</i>	Repealer section